

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION – COLUMBUS**

**In The Matter Of**

**Baje Dusko Naumov**

**Debtor**

**Chapter 7**

**Case No. 16-50625**

**Judge: C. KATHRYN PRESTON**

**MOTION FOR RELIEF FROM STAY**

**41 Callie Court, Granville, OH 43023**

Secured Creditor, The Huntington National Bank (hereinafter, "HUNTINGTON") hereby moves this Court pursuant to 11 U.S.C. 362(d) and Rules 4001, 9013, and 9014 of the Rules of Bankruptcy Procedure & Local Bankruptcy Rules 4001-1, 9013-1 and 9013-3 for an Order modifying the automatic stay provided under 11 U.S.C. 362(a) in order to permit HUNTINGTON to commence a foreclosure action in State Court against debtor and/or to otherwise enforce its lien rights against the property. The grounds upon which this Motion is made are set forth in the Memorandum in Support attached hereto.

Respectfully submitted,

**/s/ Christopher P. Kennedy**

Carlisle, McNellie, Rini, Kramer & Ulrich,  
Co., L.P.A.

By: Phyllis A. Ulrich (0055291)

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Attorneys for Movant:

The Huntington National Bank

**MEMORANDUM IN SUPPORT OF MOTION**

In Support of this Motion for Relief from Stay, HUNTINGTON hereby represents as follows:

1. This Motion is a request for modification of the stay of proceedings against certain property of the debtor, Baje Dusko Naumov, (the "Debtor"), pursuant to Section 362(d) of the United States Bankruptcy Code.

2. On February 3, 2016, the Debtor filed a petition seeking relief under Chapter 7 of the Bankruptcy Code.

3. Prior to this bankruptcy, on June 20, 2007, Baje Dusko Naumov, formerly known as Blagoj Naumov, and Karen Naumov executed and delivered to The Huntington National Bank, its successors and assigns, a promissory note (the "Note"), a copy of which is attached hereto, marked Exhibit "A".

4. As security for the payment of the Note, Baje Dusko Naumov, formerly known as Blagoj Naumov, and Karen Naumov executed and delivered to The Huntington National Bank, its successors and assigns, a mortgage deed for the real property at 41 Callie Court, Granville, OH 43023. The complete legal description of the real estate is contained in the mortgage, a copy of which is attached hereto as Exhibit "B". The mortgage was delivered to the Recorder of Licking County on July 13, 2007 at 9:49 a.m. and was recorded in Instrument 200707130018178, of the mortgage records of said county and thereby became a good and valid first lien upon the real estate.

5. HUNTINGTON attaches hereto a true and accurate copy of the recorded title deed required by Local Rule as Exhibit "C".

6. At the time of the Debtor's filing of the Chapter 7 petition, the Debtor owed HUNTINGTON the sum of \$204,717.42, plus interest at the rate of 2.250% from January 10, 2015, plus late charges as provided for in the mortgage deed described below, plus advances made by HUNTINGTON for the payment of taxes, assessments, insurance premiums and other costs incurred for the protection of real property securing the Note. The real property is valued at \$504,800.00 according to the Licking County Auditor. Debtor's loan account is contractually due for the February 10, 2015 payment and all subsequent payments, late charges and all charges assessable to the loan account of the Debtor. The first payment default for this loan was February 10, 2015. The real property is encumbered by a mortgage in favor of U.S. Bank, N.A. in the original amount of \$400,000.00, and a real estate tax lien in favor of the Licking County Treasurer in the approximate amount of \$24,277.00. Karen Naumov may also have an interest in the real property.

7. HUNTINGTON is desirous of commencing an action in state court in foreclosure to enforce its rights under the "cause" provision of Section 362(d)(1) of the Bankruptcy Code because HUNTINGTON does not have adequate protection of its interest in the Property.

8. For the reasons stated herein, HUNTINGTON respectfully requests that this Court order that the automatic stay of proceedings under Section 362(a) of the Bankruptcy Code be modified to permit it to commence a foreclosure action in state court and/or to otherwise enforce its lien rights against the real estate.

9. HUNTINGTON further requests that this Court provide an opportunity for hearing upon this Motion in accordance with law.

10. HUNTINGTON further requests that notwithstanding the provisions of 4001(a)(3) of the Federal Rules of Bankruptcy Procedure, that the relief from stay not be stayed for 14 days, but shall become effective immediately.

11. This request for relief from the automatic stay by HUNTINGTON does not seek to affect the right of the Chapter 7 Trustee with relation to the estate's interest in the real property securing the debt owed to HUNTINGTON.

12. HUNTINGTON attaches hereto the worksheet required by Local Rule as Exhibit "D".

Date: March 16, 2016

Respectfully submitted,

/s/ Christopher P. Kennedy

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Co., L.P.A.

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Attorneys for Movant:

The Huntington National Bank

**CERTIFICATE OF SERVICE**

I, Christopher P. Kennedy, hereby certify that the foregoing Motion was electronically transmitted on or about March 16, 2016 via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice List:

Myron N Terlecky, Trustee, via electronic mail at mnt@columbuslawyer.net  
Michael A Cox, Attorney for Debtor, via electronic mail at coxecf@columbusdebtrelief.com  
Office of the U.S. Trustee at ustpreion09.cb.ecf@usdoj.gov

And on the following by ordinary U.S. Mail on or about March 16, 2016 addressed to:

Baje Dusko Naumov, Debtor, PO Box 1520, Pataskala, OH 43062  
Karen Naumov, 41 Callie Court, Granville, OH 43023  
U.S. Bank, N.A., 425 Walnut Street, Cincinnati, OH 45202  
U.S. Bank, PO Box 5227, Cincinnati, OH 45201  
Licking County Treasurer, PO Box 830, 20 S. Second Street, Newark, OH 43055  
William B. Logan, Jr., Luper, Neidenthal & Logan Co., L.P.A., 50 W. Broad Street, Suite 1200,  
Columbus, OH 43215-3374

**/s/ Christopher P. Kennedy**

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Co., L.P.A.

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